

# H-Net Reviews

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**William G. Ross.** *World War I and the American Constitution.* New York: Cambridge University Press, 2017. 402 pp. \$59.99 (cloth), ISBN 978-1-108-18164-8.

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As the tidal wave of Great War centenary monographs subsides, we are left sifting through the heap to find the important works that expand our understanding of the war and its legacy. If a reader wishes to study American legal and constitutional history during the war, this serves as a good reference because William G. Ross (Lucille Stewart Beeson Professor of Law at Samford University) provides a detailed examination of the topic. Ross knows the period well since he authored two other histories covering similar years: *Forging New Freedoms: Nativism, Education and the Courts, 1917-1927* and *A Muted Fury: Populists, Progressives, and Labor Unions Confront the Courts, 1890-1937* (both published in 1994); thus he is well suited to present a significant work on the role of law during the war. Ross gives readers an important summary on a vital subject—one that remains instructive for our own times as well. There are, however, reservations with the book, which will be discussed below.

Ross presents a clear thesis throughout his work, best represented when he asserts, “American participation in the First World War transformed American constitutional law in various ways, although the war’s impact was more evolutionary than revolutionary and tended to be subtle rather than direct” (p. 367). Ross reminds readers that war does not make the times, it only amplifies them. In this case, an evolutionary change was the expansion of governmental power, particularly in the presidency and executive branch. These alterations remained intact during the postwar years and persist as the war’s lasting legal legacy today. Ross argues that a “self-preservation” mentality enabled President Woodrow Wilson, the government, and the courts to

push through (and then defend) legislation they deemed a necessary measure to ensure victory in the war and peace on the home front.

The Great War, according to Ross, remolded the constitution. The conflict increased constitutional law changes, and to the joy of socialists and progressives, strengthened the government’s power—previous wars followed a similar pattern, but the First World War enacted more serious changes on a grander scale. In addition, besides governmental expansion, the war affected the lives of African Americans and women, both with expanding labor and military roles, and the latter gaining suffrage as well.

Ross divides the text into eight chapters examining conscription, economic regulation, labor, women, alcohol, minorities, personal liberties, and the League of Nations. The book is well researched and it is evident Ross possesses a command of case histories from a variety of states across the country. He is at his best with the chapters on the economy, labor, alcohol, personal liberties, and the League of Nations. The other chapters, however, feature inequities.

The chapter title “Racial Minorities” is a misnomer because the chapter itself spends five out of forty-two pages on other minorities (i.e., Native Americans) while the prime focus is on African Americans. Ross provides detailed coverage on African Americans but when discussing black doughboy involvement in the war, he states, “There was only one all-black division” (p. 241). However, there were two: the 92nd (the Buffalo Soldiers) and the 93rd (the Blue Helmets). The latter only had four infantry regiments (369th, 370th, 371st, and 372nd),

which all fought with the French, but the military considered it a division. This is a minor quibble to a well-sourced book, as each page displays Ross's immense research with copious footnotes. The graver objection is the number of times, especially in the first chapter on military conscription, that Ross breaks his solid legalistic style with value judgments and bias.

In the conscription chapter, Ross presents a one-dimensional picture of wartime America. It leaves the reader with a portrait of a staunch antiwar and unpatriotic country. While there were voices against the war, conscription, and military service, that is only part of the story, since most Americans supported the conflict once the country declared war on April 6, 1917. Ross judges one side of the debate, such as presenting criticism for the pro-war and pro-conscription side, dubbing President Wilson's use of "Orwellian logic" with the draft (p. 25) and Congress as "chilling in its surrender to civilian power" (p. 39). Ross provides negative commentary for voices that disagree with his viewpoint. This presents an unfair preferential assessment. He declares, "In a convoluted and poorly reasoned opinion that bristled with impatience toward the opponents of conscription, Chief Justice Edward D. White held that conscription plainly was within Congress's power" (p. 43). The few times Ross mentions voices from the pro-war, pro-conscription side, he castigates those individuals, such as White. The plethora of socialist newspapers Ross references never receive such judgment on their convictions.

Concerning the topic of doughboys (American servicemen during the war), Ross claims, "Conscripts were torn apart from friends and family, and nearly all had to choose between celibacy or the perils of illicit sex" (p. 18). Sex was the only thing on every doughboy's mind? This depicts American servicemen as unidimensional hyper-sexed addicts. Ross also insists, "Opposition to the draft appears to have been particularly strong among immigrants and other ethnic Americans who lacked the power to make their voices fully heard in Congress" (p. 24).

Around 18 percent of the conscripts were immigrants and most immigrant doughboys prided themselves on their service. Italians felt American first and Italian second, and tens of thousands of Poles enlisted—these examples were not exceptions, but a commonality with immigrant doughboys. An examination of Nancy Gentile Ford's *American All! Foreign-born Soldiers in World War I* (2001) should have shown Ross the contribution by immigrant doughboys—yet Ross later cites her book on page 266, and even provides the 18 percent immigrant conscript figure. The bias within the conscription chapter also creeps into the section on women. He again casts value judgements for one side: he praises the suffragists' bravery, but not those women that disagreed with them. Were the women who stood against suffragists not brave as well?

Throughout the book Ross also underestimates the crimes of Germany and its military capability. He declares, "With the hindsight of German ambitions and atrocities during World War II, [Secretary of State Robert] Lansing's caveat may have more resonance today than it did in 1917" (p. 8). Ross downplays Lansing's fear of Germany as well as the aggression and crimes of Germany during the First World War. He leaves readers with the impression that American involvement in the Great War was erroneous, but the alternative could have been Kaiserism across a huge swath of Europe. Germany's terms for eastern Europe with the Treaty of Brest-Litovsk provide sobering evidence of German war aims, as does the occupation (and in several instances destruction) of Belgium, Luxembourg, and one-fifth of France, as well as the forced labor and murdering of civilians (see Annette Becker, *Les cicatrices rouges 14-18: France et Belgique occupées* [2010], and John Horne and Alan Kramer, *German Atrocities, 1914: A History of Denial* [2002]). These issues aside, Ross offers an interesting overview of Great War American legal and constitutional history, but readers must understand that the book suffers from bias when addressing sociocultural and military affairs.

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